

HOUSE BILL 2759

By Faison

AN ACT to amend Tennessee Code Annotated, Title 4;
Title 5; Title 6; Title 39; Title 57; Title 62; Title 68;
Title 69 and Title 70, relative to the reduction of
litter.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 68, is amended by adding the following
as a new chapter:

68-206-101.

(a) This chapter is known and may be cited as the "Tennessee Cleaner
Landscapes for the Economy, Agriculture, and Nature (CLEAN) Act."

(b) It is the intent of the general assembly that this chapter affect the
development and implementation of a comprehensive approach to addressing litter in
this state, to include:

- (1) Incentivizing the prevention of litter in this state;
- (2) Reducing and removing litter on roads, on the landscape, and in
waters;
- (3) Reducing costs to businesses, farmers, and governmental entities
that result from litter; and
- (4) Providing economic development opportunities that will create jobs,
increase the availability of recyclable material for reuse in manufacturing, and
enhance the quality of life for all residents and visitors to this state.

68-206-102.

As used in this chapter, unless the context otherwise requires:

- (1)

(A) "Beverage container" means an individual, separate, and sealed container that is made entirely or of any combination of glass, aluminum, steel, other metal, or plastic, regardless of size, and is used for containing, at the time of sale to a consumer, a beverage for consumption; and

(B) "Beverage container" does not include refillable containers that are intended to be refilled and reused more than once for sale or distribution;

(2)

(A) "Carryout bag" means a bag that is designed for one (1) use and provided gratuitously by a grocery store, retail store, or food service establishment at the point of sale for the purpose of transporting groceries, prepared foods, or consumer goods; and

(B) "Carryout bag" does not include:

(i) A bag that lacks handles and is used to prevent an item of food from damaging or contaminating another food item;

(ii) A bag intended to contain an unwrapped food item, food items sold in bulk, or a hot food item;

(iii) A bag used as part of distributing newspapers; or

(iv) A bag used by a customer to transport dry cleaning or pharmaceuticals;

(3) "Commission" means the Tennessee clean commission, created by § 68-206-103;

(4) "Food service establishment" means an establishment, place, or location, whether permanent, temporary, seasonal, or itinerant, where food is prepared and the public is offered to be served, or is served, prepared food;

(5) "Grocery store" means a business primarily engaged in the retail sale of packaged food for offsite consumption; and

(6) "Retail store" means a business engaged in the sale of consumer goods.

68-206-103.

(a) There is created the Tennessee CLEAN commission, to consist of thirteen (13) members, all of whom must be citizens of this state.

(b) The commission is comprised as follows:

(1) Four (4) persons appointed by the governor to include:

(A) One (1) person representative of county governments;

(B) One (1) person representative of the agriculture industry;

(C) One (1) person representative of the solid waste industry; and

(D) One (1) person representative of the conservation community;

(2) Three (3) persons appointed by the speaker of the senate to include:

(A) One (1) representative of retailers who sell or give away beverage containers or carryout bags;

(B) One (1) representative of manufacturers or distributors of beverage containers or carryout bags; and

(C) One (1) representative of businesses that utilize recycled glass, aluminum, or plastic in their manufacturing operations;

(3) Three (3) persons appointed by the speaker of the house of representatives to include:

(A) One (1) representative of retailers who sell or give away beverage containers or carryout bags;

(B) One (1) representative of manufacturers or distributors of beverage containers or carryout bags; and

(C) One (1) representative of businesses that utilize recycled glass, aluminum, or plastic in their manufacturing operations;

(4) The commissioner of environment and conservation or the commissioner's designee, who serves as a voting ex officio member;

(5) The commissioner of transportation or the commissioner's designee, who serves as a voting ex officio member; and

(6) The commissioner of agriculture or the commissioner's designee, who serves as a voting ex officio member.

(c) Except as provided in subsection (d) for initial appointments, the terms of the members of the commission appointed by the speaker of the senate and the speaker of the house of representatives are for four (4) years and the terms of the members of the commission appointed by the governor are for six (6) years.

(d)

(1) In order to stagger the terms of the newly appointed commission members, initial appointments are made as follows:

(A) The persons appointed under subdivisions (b)(1)(A)-(D) serve an initial term of four (4) years, which expires on June 30, 2026;

(B) The persons appointed under subdivisions (b)(2)(A)-(C) serve an initial term of five (5) years, which expires on June 30, 2027; and

(C) The persons appointed under subdivisions (b)(3)(A)-(C) serve an initial term of six (6) years, which expires on June 30, 2028.

(2) Following the expiration of members' initial terms as prescribed in subdivision (d)(1), all terms begin on July 1 and terminate on June 30 of the year of expiration.

(e) The commission members shall elect a chair and a vice chair, whose duties are established by the commission.

(f) In making the appointments under subsection (b), the appointing authorities shall strive to ensure that the commission is composed of persons who are diverse in professional or educational background, ethnicity, race, sex, geographic residency, heritage, perspective, and experience.

(g)

(1) The commissioner of agriculture shall call the first meeting of the commission. The commission shall elect its chair and vice chair at the first meeting of the commission and annually thereafter.

(2) The commission shall fix a time and place for regular meetings and shall meet no less than once quarterly. Except for the first meeting of the commission called in accordance with subdivision (g)(1), all other meetings of the commission, including emergency meetings, are at the call of the chair with written notice given to all commission members.

(3) The commission may conduct special or regular meetings by electronic or other means pursuant to § 8-44-108.

(h) A majority of the voting members of the commission constitutes a quorum, and all official action of the commission requires a quorum.

(i) Appointments to complete unexpired terms of service, vacant for any cause, must be made in the same manner as the original appointments.

(j) The respective appointing authorities may remove a non-ex officio member of the commission for misconduct, incapacity, or neglect of duty.

(k) The commission members receive no compensation for their services on the commission but receive reimbursement for expenses incurred in attending meetings of the commission and for travel incident thereto, in accordance with the comprehensive travel regulations promulgated by the department of finance and administration and approved by the attorney general and reporter.

68-206-104.

The commission shall do the following by June 30, 2026:

(1) Create and implement a program for plastic, glass, and aluminum beverage containers that recovers eighty-five percent (85%) of beverage containers sold within this state, for the purpose of recycling;

(2) Reduce a key constituent of litter on the landscape, source of contamination to recycling systems, source of injury to wildlife and livestock, and threat to this state's agricultural industry by developing a carryout bag reduction program to address the proliferation of carryout bags, for the purpose of recycling;

(3) Develop and implement a statewide litter program to comprehensively address litter prevention and reduction; and

(4) Evaluate existing state laws, and any administrative rules pertaining to such laws, that address litter, report to the general assembly on the effectiveness of the laws and rules, and make recommendations on how the laws and rules may be improved upon.

68-206-105.

In developing and implementing programs required by § 68-206-104(1)-(3), the commission shall:

- (1) Achieve the programs' purposes as stated in § 68-206-104(1)-(3) by December 31, 2026, and continue to achieve the programs' purposes each year thereafter;
- (2) Determine how monies generated from any programs developed pursuant to § 68-206-104(1), are utilized for the purposes of this chapter;
- (3) Develop and implement a system to prevent fraud and abuse of the programs;
- (4) Establish civil penalties to deter fraud;
- (5) Work with manufacturers to maximize the amount of recovered material returned to the production cycle; and
- (6) Take any other action directly related to the development of the programs and to effectuate the purposes of this chapter generally.

68-206-106.

The commission shall prepare and submit a report to the governor and the general assembly upon its implementation of the programs described in § 68-206-104(1)-(3) that details the operational framework of the programs by July 1, 2027, and thereafter shall prepare and submit a financial report on the programs to the governor and the general assembly between July 1 and July 15 of each year.

68-206-107.

The commission is authorized to promulgate rules to effectuate the purposes of this chapter in accordance with the provisions of the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

68-206-108.

Prior to the commission developing and implementing the programs required under § 68-206-104(1)-(3), performing the evaluation required under § 68-206-104(4), and making the reports required under §§ 68-206-104(4) and 68-206-106, the Tennessee advisory commission on intergovernmental relations (TACIR) shall research, evaluate, and develop recommendations in order to determine the most effective methods and actions necessary to effectuate the purposes of this chapter. TACIR shall consult with the commission, and the commission shall provide input as necessary to complete the recommendations.

SECTION 2. Tennessee Code Annotated, Section 4-29-245(a), is amended by adding the following subdivision:

() Tennessee CLEAN commission, created by § 68-206-103;

SECTION 3. If any provision of this act or its application to any person or circumstance is held invalid, then the invalidity does not affect other provisions or applications of the act that can be given effect without the invalid provision or application, and to that end, the provisions of this act are severable.

SECTION 4. For the purpose of making appointments to the commission, this act takes effect upon becoming a law, the public welfare requiring it. For all other purposes, this act takes effect July 1, 2022, the public welfare requiring it.